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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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Richard M. Ratliff

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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|---------------------------------------|--|
| Office Action Summary | Application No. 09/961,419 | Applicant(s) RATLIFF ET AL. | |
| | Examiner Charlie C. Agwumezie | Art Unit 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/8/02, 5/28/04, 7/5/05, 10/25/06</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of Claims

1. Claims 1, 11, 21, 31, 41, 49, 59, and 74 are amended. Claims 89 and 90 are newly added. Claims 1-90 are pending in this application per the response to office action filed on September 22, 2006.

Response to Arguments

2. Applicant's arguments with respect to claims 1-90 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-16, 18-26, 28-36, 38-68, 70, 73-75, 77-84, and 88-90, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin III et al European Patent Application Publication No. EP 0 973 112 A2 in view of Boushy et al U.S. Patent No. 6,993,494 B1

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As per claims 1, 11, 21, 31, and 59, Goodwin et al discloses a method for providing price information, comprising the steps of:

- receiving a request for price information associated with at least one item (figs. 4 and 5);

- obtaining database results from a database responsive to the request (0034; 0044);

- modifying at least one entry in the database results to reflect a more competitive price when compared to another entry in the database results (see figs. 4 and 5; 0032) based at least partially on availability of the at least one item at an otherwise less competitive price and

- providing the database results to a consumer after completing the modifying step (figs. 4 and 5; 0032; 0044).

What Goodwin does not explicitly disclose is adjusting prices based at least partially on availability of the at least one item at an otherwise less competitive price. Goodwin however discloses that the price adjustment is based on predetermined rules and/or competitive market conditions.

Boushy et al discloses a method comprising adjusting prices based at least partially on availability of the at least one item at an otherwise less competitive price (fig. 2B; col. 7, lines 60-67; col. 8, lines 35-40; col. 10, lines 15-50).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Goodwin et al and incorporate the method comprising adjusting prices based at least partially on availability of the at least

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one item at an otherwise less competitive price in view of the teachings of Boushy et al in order to remain competitive.

As per claims 2, 12, 22, 32, 67 and 82, Goodwin further discloses the method, wherein the at least one entry is modified in real time (0032).

As per claims 3, 13, 23, and 33, Goodwin et al further discloses the method, wherein the at least one entry is modified based on recently obtained information stored in cache (0032).

As per claims 4, 14, 24, and 34, Goodwin et al further discloses the method, wherein the at least one entry is modified based on information obtained through a batch process (fig. 3).

As per claims 5, 15, 25, 35, 68, and 83, Goodwin et al further discloses the method, wherein the database results are modified by combining a price and a non-monetary incentive to produce the more competitive price (0032).

As per claims 6, 16, 26, 36, 69, and 84, Goodwin et al further discloses the method, wherein the database results are modified using at least one of increasing the price, decreasing the price, and modifying the price, based on a level of service provided, to produce the more competitive price (0039; 0045).

As per claims 8, 18, 28, and 38, Goodwin et al further discloses the method, wherein the database results are modified by marking up the at least one entry, while maintaining a competitive price (0039).

As per claims 9, 19, 29, and 39, Goodwin et al further discloses the method, wherein the database results are modified by submitting in real time a second request to a second database and receiving information to produce the more competitive price (figs. 4 and 5).

As per claims 10, 20, 30, and 40, Goodwin et al further discloses the method, wherein the received information from the second database is based on information received with the second request (see figs. 4 and 5).

As per claims 41, 49 and 74, Goodwin et al discloses a network node that provides information, comprising:

a receiving device for receiving a request for information associated with an item (figs. 1, 4 and 5);

a database, accessible by the device, that provides results responsive to the request (fig. 1; 0034; 0044);

a rule processor that modifies at least one entry in the results to reflect a more competitive position when compared to another entry in the results (see figs. 4 and 5;

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0032) based at least partially on availability of an item at an otherwise less competitive price; and

a display device that displays the results to a consumer after the rule processor modifies the at least one entry (see figs. 4 and 5; 0032; 0044).

What Goodwin does not explicitly disclose is adjusting prices based at least partially on availability of the at least one item at an otherwise less competitive price. Goodwin however discloses that the price adjustment is based on predetermined rules and/or competitive market conditions.

Boushy et al discloses a method comprising adjusting prices based at least partially on availability of the at least one item at an otherwise less competitive price (fig. 2B; col. 7, lines 60-67; col. 8, lines 35-40; col. 10, lines 15-50).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Goodwin et al and incorporate the method comprising adjusting prices based at least partially on availability of the at least one item at an otherwise less competitive price in view of the teachings of Boushy et al in order to stay competitive.

As per **claims 42, and 50**, Goodwin et al further discloses the network node, wherein the rule processor modifies the at least one entry in real time (0032).

As per **claims 43, and 51**, Goodwin et al further discloses the network node, wherein the rule processor modifies the at least one entry based on recently obtained

and stored information (0032).

As per **claims 44, and 52**, Goodwin et al further discloses the network node, wherein the rule processor modifies the at least one entry based on information obtained through a batch process (fig. 3).

As per **claims 45, and 53**, Goodwin et al further discloses the network node, wherein the rule processor modifies the at least one entry by combining a price and a non-monetary incentive to produce the more competitive position (0032).

As per **claims 46, and 54**, Goodwin et al further discloses the network node, wherein the rule processor modifies the at least one entry by using at least one of increasing a price, decreasing the price, and modifying the price, based on a level of service provided, to produce the more competitive position (0039; 0045).

As per **claims 48, and 56**, Goodwin et al further discloses the network node, wherein the rule processor is located in a second network node and modifying the at least one entry comprises submitting in real time the request to the rule processor and receiving information with the more competitive position (0039).

As per **claim 57**, Goodwin et al further discloses the system, wherein the means for modifying the at least one entry modifies the at least one entry by submitting in real

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time a second request to a second database and receiving information to produce the more competitive position (see figs. 4 and 5).

As per **claim 58**, Goodwin et al further discloses the system, wherein the received information from the second database is based on information received with the second request (see figs. 4 and 5).

As per **claims 60 and 75**, Goodwin et al further discloses the method, wherein modifying the at least one entry includes providing the at least one entry at cost to reflect the more competitive position (0039).

As per **claims 62 and 77**, Goodwin et al further discloses the method, wherein modifying the at least one entry includes providing the more competitive position for the at least one entry in exchange for a non-monetary incentive (fig. 5).

As per **claims 63 and 78**, Goodwin et al further discloses the method, wherein modifying the at least one entry includes applying a set of supplier rules to the at least one entry to determine a price associated with the at least one entry (figs. 4 and 5).

As per **claims 64 and 79**, Goodwin et al further discloses the method, wherein applying the set of supplier rules includes increasing the price associated with the at least one entry to match at least one of the other entries in the results (figs. 4 and 5).

As per claims 65 and 80, Goodwin et al further discloses the method, wherein applying the set of supplier rules includes providing the more competitive position, while maintaining a minimum price for the at least one entry (see figs. 4 and 5).

As per claims 66 and 81, Goodwin et al further discloses the method, wherein applying the set of supplier rules includes providing the more competitive position, while maintaining a premium value above at least one of the other entries in the results (see figs. 4 and 5).

As per claim 73, Goodwin et al further discloses the method, wherein marking up the at least one entry above the supplier provided price includes marking up the supplier provided price to be one of equal and less than other entries in the results (figs. 4 and 5; 0039).

As per claim 88, Goodwin et al further discloses the network node, wherein the means for modifying the at least one entry marks up the at least one entry by increasing the supplier provided price to be one of equal and less than other entries in the results (0039).

As per claims 89 and 90, Goodwin et al failed to explicitly disclose the method wherein the database entries for the at least one item at a plurality of prices, and

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wherein modifying at least one entry in the database comprises making the at least one item that was previously available at the less competitive price to be available at the more competitive price

Boushy et al discloses the method wherein the database entries for the at least one item at a plurality of prices, and wherein modifying at least one entry in the database comprises making the at least one item that was previously available at the less competitive price to be available at the more competitive price (col. 8, lines 35-40).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Goodwin et al and incorporate the method wherein the database entries for the at least one item at a plurality of prices, and wherein modifying at least one entry in the database comprises making the at least one item that was previously available at the less competitive price to be available at the more competitive price in view of the teachings of Boushy et al in order to remain competitive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 7, 17, 27, 37, 47, 55, 69, and 85, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin III et al European Patent Application Publication No. EP 0 973 112 A2 in view of Walker et al U.S. Patent No. 6553346 B1.

As per claims 7, 17, 27, 37, 47, 55, 69, and 85, Goodwin et al failed to explicitly disclose the method, wherein the database results are modified by changing the availability of a class fare to produce the more competitive price.

Walker et al discloses the method, wherein the database results are modified by changing the availability of a class fare to produce the more competitive price (see fig. 7, 9 and 11; col. 5, lines 5-25).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Goodwin et al and incorporate the method wherein the database results are modified by changing the availability of a class fare to produce the more competitive price in view of the teachings of Walker et al in order to remain competitive.

5. Claims 71, 72, 76, 85 86, and 87, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin III et al European Patent Application Publication No. EP 0 973 112 A2 in view of Examiner's Official Notice.

As per claims 71, 72, 76, 86 and 87, Goodwin et al failed to explicitly disclose a method wherein modifying the at least one entry further comprises sharing revenue

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derived from a sale of the at least one entry between an agent and a supplier of the item.

Goodwin however is directed to a method of managing competitive price information which are higher than competitive prices and dynamically changing or modifying the prices to obtain a competitive pricing. The idea of airline/Agent relationship and revenue sharing is old, conventional and notoriously well known in the industry.

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Goodwin et al and incorporate the method wherein modifying the at least one entry further comprises sharing revenue derived from a sale of the at least one entry between an agent and a supplier of the item as commonly practiced in the industry.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington D.C. 20231**

Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

Art Unit: 3621

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Alexandria VA. 22314

Charlie Lion Agwumezie

Patent Examiner

Art Unit 3621

July 10, 2006

A. Fischer 12/2/06

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